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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,685	04/10/2001	Srinivas Reddy	15114045720	2615

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TOWNSEND AND TOWNSEND AND CREW LLP/ 015114  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

CHANG, DANIEL D

ART UNIT	PAPER NUMBER
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2819

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicant(s)

09/832,685

Applicant(s)

REDDY ET AL.

Examiner

Daniel D. Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 33-40 and 48-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-40 and 48-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Acknowledgement***

Receipt is acknowledged of the Amendment filed July 23, 2002.

***Claim Objections***

Claims 39, 52 and 56 are objected to because of the following informalities:

In Claim 39, line 1, "claim 33" appears to be --claim 38-- in order for the recitation, "a third logic element" to have a proper antecedent basis.

In Claim 52, line 16, "the tristate driver" appears to be --the first tristate driver--.

In Claim 56, line 13, "may be" should be changed to --are-- to particularly point out and distinctly claim the subject matter.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 33, 34, 37, 38, 48-51, 56, and 58-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Tavana et al. (US 5,682,107).

Regarding claims 33, 34, 37, 38, and 56, Tavana et al. discloses, in figures 3A and 3B, a method of multiplexing (351) signals onto an interconnect line (Q0 or a line coupled to the input of the output buffer) comprising:

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enabling a first tristate driver (a transistor coupled to the output of AND1) having an input coupled to a first logic element (J via VQ) and an output directly connected to the interconnect line, such that a first signal (VQ) is driven from the first logic element onto the interconnect line using the first tristate driver;

dynamically tristating (by AND1) the first tristate driver; and

dynamically enabling a second tristate driver (a transistor coupled to the output of AND2) having an input coupled to a second logic element (H via ZQ) and an output directly connected to the interconnect line, such that a second signal (ZQ) is driven from the second logic element onto the interconnect line using the second tristate driver.

Regarding claims 48-51, and 58-61, Tavana et al. discloses, in figures 3A and 4B, a programmable logic integrated circuit comprising:

a programmable interconnect bus (TQ4-TQ7);

a plurality of logic elements (F, G, H, J in fig. 3A) configurable to perform logical functions;

a plurality of tristate devices (A4 & B4; A5 & B5; A6 & B6; A7 & B7) coupled between the plurality of logic elements and the programmable interconnect bus;

a plurality of programmable memory cells (MM4-MM7) coupled to the plurality of tristate devices to programmably enable and programmably tristate the plurality of tristate devices;

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and tristate control logic (OR1) having outputs coupled only to the plurality of tristate devices (A4 & B4; A5 & B5; A6 & B6; A7 & B7) to dynamically enable (ENLL) and dynamically tristate (TS) the plurality of tristate devices.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 33-40 and 48-61 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 of U.S. Patent No. 6239613 (hereinafter, '613). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 33-40 and 48-61 of the instant application and claims 1-48 of '613 recite tristate control logic coupled to the plurality of tristate devices to dynamically enable and dynamically tristate the plurality of tristate devices. The difference between claims 33-40 and 48-61 of the present application and claims 1-48 of '613 is that claims of the present application is only broader.

### ***Response to Arguments***

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Applicant's arguments with respect to claims 33-40 and 48-61 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goetting et al. discloses a FPGA with tristate driver having enable and tristate inputs.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

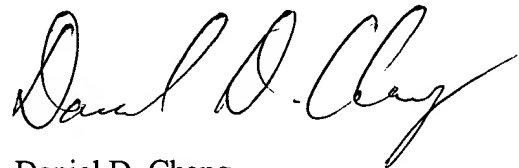
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Chang whose telephone number is (703) 306-4549.

The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Tokar can be reached on (703) 305-3493. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read "Daniel D. Chang". The signature is fluid and cursive, with the first and last names being more prominent.

Daniel D. Chang  
Examiner  
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DC  
September 18, 2002